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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,126	07/10/2003	C. Robert Ripplinger	2409.2.1.4	2948

28049 7590 10/08/2004

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SALT LAKE CITY, UT 84111

EXAMINER
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JILLIONS, JOHN M

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/617,126

Applicant(s)

RIPPLINGER, C. ROBERT

Examiner

John M. Jillions

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 16-24 and 26-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 3, 8, 12, 30-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 10, 23 and 38 are objected to because of the following informalities: claim 1, line 6, the comma between “portion” and “extending” should be deleted; claim 10, line 13, “the first flange” should be deleted; claim 23, line 9, the comma should be deleted; and claim 38, line 9, the comma should be deleted. Appropriate corrections should be made. Applicant states that claims 10, 23 and 38 have not been amended because they read properly in their current form. However, in claim 10, the recitation in line 13, “the first flange wherein the...” is somewhat unclear since the “first flange” has already been included in the claim, line 6. Why is it again being included in line 13? Regarding claims 1, 23 and 38 the comma improperly separates the subject from the verb in these phrases.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 26-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 26 is improperly dependent on a canceled claim. Apparently these claims were meant to depend from claim 24.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-7, 9-11, 13, 16-17, 21-24, 32, 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by the French patent '739 for the reasons set forth in paragraph 3) of the previous Office action. It should also be pointed out that the term “molded” in claim 38 is of no patentable significance in an article type of claim since it is immaterial how the device is made.

6. Claims 1-2, 4-7, 9-11, 13, 16-24, 32, 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Mossberg '218 for the reasons set forth in paragraph 4) of the previous Office action.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the French patent '739 or Mossberg '218 in view of Tisbo et al, for the reasons set forth in paragraph 6) of the previous Office action. Again it should be pointed out that the term “molded” in claim 35 is

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of no patentable significance in an article type of claim since it is immaterial how the device is made.

9. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mossberg '218 in view of Mayhew for the reasons set forth in paragraph 7) of the previous Office action.

***Allowable Subject Matter***

10. Claims 3, 8, 12, 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

11. Applicant's arguments filed 8/11/04 have been fully considered but they are not persuasive. Applicant argues first that the French patent to Abraham does not disclose radially extending corrugations. However, even though the corrugations of Abraham are arranged as chords in parallel they do have a radially extent, and thus can be considered to extend radially. The claims are simply not written in a manner to specifically overcome the French patent as an anticipatory reference. Likewise, the patent to Mossberg it is argued does not disclose rectangular cross-sectional corrugations because they are rounded. However, even though the corrugations of Mossberg may be rounded at the corners, they are still rectangular in nature. That is, they are substantially rectangular as can be seen from Fig. 7. Again applicant has not specifically recited in the claims that the edges of the rectangles forming the corrugation are sharp, not rounded. With respect to the rejection of claims 33-35 as being unpatentable over either of the French patent or Mossberg '218 in view of Tisbo et al, applicant argues that the base references, the French patent and Mossberg '218, are not anticipatory of these claims and

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includes no arguments as to the properness of the combination. The rejection of claims 33-35 is still deemed to be proper. Regarding the rejections of claims 25-29 as being unpatentable over Mossberg '218 in view of Mayhew applicant argues that forming rectangular ribs having perpendicular walls in Mossberg would render the reel unsatisfactory for its intended purpose since the reel of Mossberg is made in a different way, i.e. by swaging. However, claims 25-29 as well as the claims dependent thereon are apparatus or article claims. How the device is made is immaterial in such claims. It is the teachings of the prior art to Mayhew to form corrugations having perpendicular walls that is material. Thus to modify Mossberg in view of Mayhew would require forming rectangular, perpendicular walled corrugations in whatever way would have been appropriate as one of ordinary skill in the art would have recognized.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Jillions whose telephone number is (703) 308-2685. The examiner can normally be reached on M-F 9:15 - 5:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Jillions  
Primary Examiner  
Art Unit 3654

jmj